

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JOSE RAMON ORTIZ JR.,
Appellant.

No. 2 CA-CR 2015-0358
Filed May 26, 2016

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Pima County

No. CR20133559001

The Honorable Scott Rash, Judge

AFFIRMED

COUNSEL

Steven R. Sonenberg, Pima County Public Defender
By Michael J. Miller, Assistant Public Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which Chief Judge Eckerstrom and Judge Miller concurred.

V Á S Q U E Z, Presiding Judge:

¶1 After a jury trial, Jose Ortiz Jr. was convicted of first-degree burglary, possession of a deadly weapon by a prohibited possessor, aggravated assault, and three counts of kidnapping.¹ The trial court sentenced him to concurrent prison terms, the longest of which are 15.75 years.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), asserting he has reviewed the record but found no arguable issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, he has provided “a detailed factual and procedural history of the case with citations to the record,” and he asks this court to search the record for error. Ortiz has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to sustaining the jury’s verdicts, see *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), sufficient evidence supports them here. In June 2013, Ortiz, who had been convicted of a felony, and one or two companions, all armed, entered a residence uninvited; one of Ortiz’s companions held two of the residence’s occupants at gunpoint while Ortiz beat the third occupant with a gun and demanded money and drugs. See A.R.S. §§ 13-1203(A)(1); 13-1204(A)(2); 13-1304(A)(3); 13-1508(A); 13-3101(A); 13-3102(A)(4).

¹Ortiz also pled guilty to one count of aggravated assault and was sentenced to a concurrent, 11.25-year prison term.

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And the trial court correctly concluded Ortiz should be sentenced as a category-three repetitive offender. His sentences are within the statutory range and were properly imposed. *See* A.R.S. §§ 13-703(C), (J); 13-1204(D); 13-1304(B); 13-1508(B); 13-3102(M).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental error and found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985). Ortiz's convictions and sentences are therefore affirmed.